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ABSTRACT

The United States has become increasingly multilingual in recent decades, and while English is the most commonly spoken language, almost 11 percent of Americans prefer to speak another language at home. Bilingualism is promoted by governmental units at the federal, state, and local levels through a variety of programs, particularly in education and in the conduct of elections, but recent legislation has reduced the number of counties that must print bilingual ballots, and a backlash against bilingualism is occurring. The states, while required to abide by federal laws, can declare an official language and can urge Congress to repeal bilingualism laws. A pending federal constitutional amendment making English the official language of the United States would, if ratified, change federal policies regarding bilingual education and voting assistance. Proponents of the amendment argue that it is necessary for unity and consistency, both social and political, and opponents argue that it is unnecessary, would accomplish little, might foster disunity, and would deny to some a meaningful participation in the electoral process. Two organizations favoring and opposing the amendment are listed as sources of further information on the issue. (MSE)

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TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

ONE LANGUAGE FOR THE UNITED STATES?
(¿Un Idioma Para Los Estados Unidos?)

Everybody in the United States speaks English -- almost. Although it's true that 98 percent of Americans over the age of five know how to communicate in English, not everybody uses it as their primary language. In fact, over 23 million Americans speak a language other than English at home.

Over the past 20 years, the United States has become a more multilingual nation. Bilingual education programs in public schools instruct students in their native languages in accordance with guidelines established by the U.S. Department of Education. Under the Voting Rights Act of 1975, bilingual ballots must be made available on election day in 20 states with large minority populations.[1] In cities like Miami, San Antonio and El Paso, the Spanish language can be heard as frequently as English, and many observers feel that the United States is becoming a two-language nation.

Not everyone has greeted this trend enthusiastically. In 1981, Senator S.I. Hayakawa of California unsuccessfully proposed an amendment to the U.S. Constitution to make English the official language of the United States. Two years later, Hayakawa helped to found an organization called U.S. English, which seeks "to reverse the spread of foreign language usage in the nation's official life." Senator Walter Huddleston of Kentucky and Representative Norman Shumway of California reintroduced the English Language Amendment (ELA) in 1983. Although the ELA has yet to be passed by Congress for consideration by the states, the issue of whether the United States should become a bilingual nation has been raised and will probably be discussed more in the future.

English may be the most commonly spoken language in the United States, but it is by no means the only language spoken here. Spanish, Italian, German, French, Polish and Chinese are spoken in hundreds of thousands of American homes, and languages like Apache, Cherokee, Eskimo, Hawaiian and Navajo have been spoken in North America longer than English. All tolled, almost 11 percent of the American population prefer to speak languages other than English at home.

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*This CSG Backgrounder was compiled by Mark L. Ford, Office of Research and State Services.

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The Primary Languages for Americans (ages 5 and older)
(From: 1980 Census of the United States)

English	187,672,677	(89.26%)
Spanish	11,116,194	(5.29%)
Italian	1,618,344	(0.77%)
German	1,586,593	(0.75%)
French	1,550,751	(0.74%)
Polish	820,647	(0.39%)
Chinese	630,806	(0.30%)
Greek	401,443	(0.19%)
Other	4,861,112	(2.31%)
TOTAL	210,248,567	(100.00%)

Though most of the American news media use the English language, the bilingual American can subscribe to daily newspapers like the Milwaukee Deutsche Zeitung (German), Chicago's Dziennik Zwiazkowy (Polish), La Opinion of Los Angeles (Spanish) and the Hokubei Mainichi of San Francisco (Japanese)[2]. There are well over one hundred Spanish language radio stations, as well as stations that broadcast in Navajo, French and Portugese. In the United States, "You can go through life without having to speak English at all," says Miami's Mayor Maurice Ferre.[3]

Government Sponsored Bilingualism

Bilingualism is promoted by governmental units at the federal, state and local levels through a variety of programs, most notably in education and in the conduct of elections. In addition, many governmental agencies publish materials in other languages. A survey by Senator Huddleston of "printed materials made available to persons who don't know English" yielded over 2,000 documents in 33 different languages. Responses were received from 25 states and 19 federal agencies.[4]

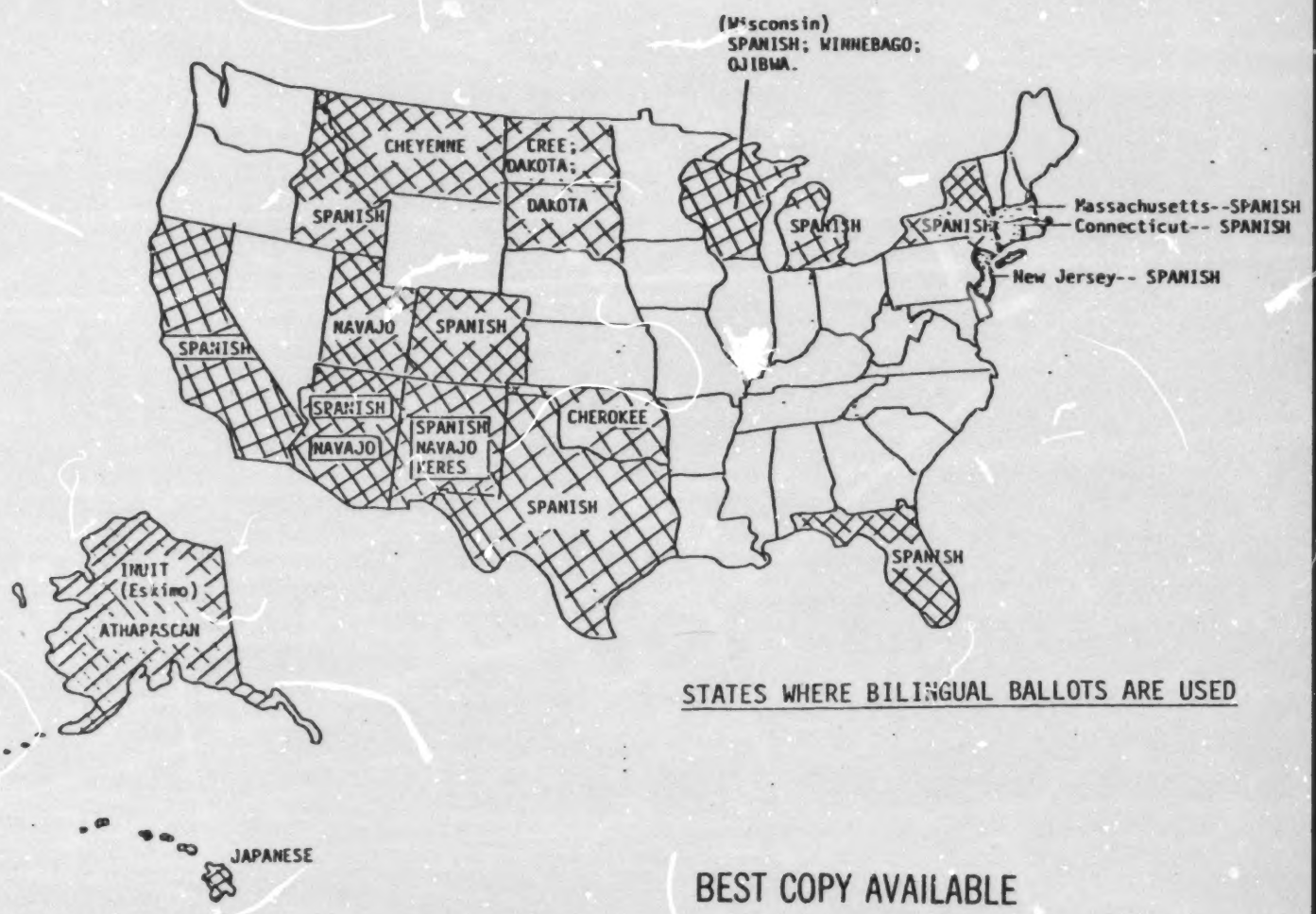
Some states, like Florida, offer civil service examinations in Spanish, and 39 states offer drivers' license tests in many different languages. In Michigan, for instance, the test can be administered in Arabic, Chinese, Finnish, French, German, Greek, Hebrew, Italian, Japanese, Korean, Polish, Portugese, Spanish, Vietnamese, Serbo-Croatian and Ukrainian. Tests are offered in languages like Russian in Arkansas; Khmer, Samoan and Tagalog in Hawaii; Persian and Thai in Kentucky; Armenian and Finnish in Massachusetts and Hmong in Minnesota. The language of Dari, which is used for drivers' licensing in Afghanistan, is also used for that purpose in Tennessee[5].

The Bilingual Election Ballot

Under the Voting Rights Act of 1975, county election authorities must print foreign-language ballots if more than 5 percent of the citizens who are over the age of 18 are members of a single-language minority group, and if the illiteracy rate of that group is higher than the national average.[6]

Originally, section 203(c) of the act defined a language minority group to include all persons who had a primary language other than English, regardless of the number of individuals in the group who were proficient in English. A 1984 amendment to §203(c) by U.S. Sen. Don Nickles (R.-Okla.) changed the definition of a language minority group to include only those people who were not part of the 98 percent of Americans who can effectively communicate in English.[7]

The effect of the amendment was to reduce the number of counties that must print bilingual ballots from 369 to 178 (another section of the act, §4(f)4, covers counties where 5 percent of the adult citizens are members of a group that has a primary language other than English -- regardless of anyone's proficiency in English -- and if fewer than 50 percent of those citizens were registered to vote in the 1972 presidential election, and if the county affected provided registration and voting materials in English only on November 1, 1972).[8] Because of the Nickles Amendment, bilingual ballots are no longer required in major cities like Los Angeles, San Francisco, San Diego, Dallas, Denver, Honolulu, Jacksonville or Tulsa.



STATES WHERE BILINGUAL BALLOTS ARE USED

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The Bilingual Classroom

Before the passage of Title VII of the Elementary and Secondary Education Act of 1968, otherwise known as the Bilingual Education Act (BEA), English was the main language of instruction in most of America's school districts. The BEA authorized the spending of federal funds to support bilingual programs that would serve the educational needs of students with a limited mastery of English. Many states have passed their own laws to support bilingual education and have funded local programs on a large scale. In 1981, the federal government spent $138 million and the states spent $84 million to fund bilingual instruction in public schools.[9]

Bilingual education is administered in a variety of ways by the nation's school districts. In the "immersion" or "sink-or-swim" method, a student's native language is used only to help the student acquire a mastery of English as quickly as possible, and all other classes are taught in English. Such a program has been used in McAllen, Texas, reportedly with good results.[10] Under a "transitional" system, used in most school systems, students are first instructed in their native languages; gradually, the students receive more instruction in English, and the native language is phased out over a period of several years.

Finally, some districts have "bilingual-bicultural education", in which all students, including those who speak only English, are instructed in two languages and are taught about the cultural heritages of both groups of students in the classroom. The Laredo, Texas, United Independent School District was one of the first to give such instruction. Starting in 1964 with the promise that "it is a crime to let any child grow up monolingual in areas where two languages are used," the Laredo program spent equal amounts of time on the teaching of Spanish and English to all elementary school students.[11]

The school system in Culver City, California, has a unique "Spanish Immersion Program," which serves 20 percent of the students in the district. Though almost all of the students in the program are monolingual in English:

> All instruction during kindergarten and grade one is in Spanish. During the second grade approximately one hour of instruction in English language arts is added. The remainder of the curriculum is conducted in Spanish. The amount of instruction in English increases during grades four and five until a near balance is reached in grade six.[12]

The program is taught only at the El Rincon Elementary School, and students are enrolled in it only if their parents choose.[13]

Although local boards of education have a choice about the form that education will take in a given school district, the choice is influenced by the conditions that are attached to the receipt of federal and state funds. From 1968 to 1974, the Department of Health, Education and Welfare endorsed a

transitional bilingual program which included "the use of two languages one of which is English, as mediums of instruction ... in a well organized program which encompasses all or part of the curriculum and includes the study of the history and culture associated with the mother language."[14]

In 1974, the Supreme Court decided Lau v. Nichols (414 U.S. 563). The Lau case was brought under the Civil Rights Act of 1964, which prohibits discrimination on the basis of national origin by any entity receiving money from the federal government, and the Court ruled that any school district that used federal funds had to give its language minority students an equal opportunity to receive a useful education.[15]

A task force of the U.S. Office of Education responded to the case by proposing a set of requirements that federally-funded bilingual education programs would have to follow. The requirements, known as the Lau Guidelines, mandated that all students should be taught exclusively in their native language at the elementary level (though students would gradually be instructed in the use of English). The Lau Guidelines never had the force of law, though they were given great weight by most school districts. The guidelines were revoked by Secretary of Education Terrell Bell in 1982 and have not been replaced.[16]

Amendments to the BEA in 1978 increased appropriations for bilingual programs and made students with limited proficiency in English eligible for bilingual education. Furthermore, the amendments required that bilingual programs that received grants under the BEA would have to employ teachers who were proficient both in English and in the native language of the students in the program. Congress is currently debating on whether to renew the BEA.[17]

Regardless of whether they receive federal funding, school districts must conform to state laws regarding education. By 1983, 30 states had passed laws relating to state funding of bilingual programs, and in 12 states, bilingual education is mandatory for all language-minority students. West Virginia is the only state that officially prohibits bilingual education.[18]

Backlash Against Bilingualism

In 1981, Senator Hayakawa became one of the first people on Capitol Hill to take a stand against bilingualism in the United States. Hayakawa's amendment to the Constitution to make English the official language of the United States, though not successful, did serve to arouse interest in the issue. Two versions of the English Language Amendment are currently under consideration in Congress, and an organization founded by Hayakawa is working to reform national language policy. The organization, called U.S. English, was founded in 1983 and currently has 60,000 members.

The proposed English Language Amendment, or ELA, is embodied in two resolutions. Representative Shumway's version, H.J. Res. 169, states that:

> Section 1. The English language shall be the official language of the United States.

> Section 2. Neither the United States nor any State shall require by law, ordinance, regulation, order, decree, program, or policy, the use in the United States of any language other than English.
>
> Section 3. This article shall not prohibit any law, ordinance, regulation, order, decree, program or policy requiring educational instruction in a language other than English for the purpose of making students who use a language other than English proficient in English.
>
> Section 4. The Congress shall have the power to enforce this article by appropriate legislation.[19]

Senator Huddleston's version of the ELA is embodied in S.J. Res. 167 and includes only the first and last paragraphs of Shumway's resolution.

The English Language Amendment -- What an ELA Might Mean

If some version of the ELA were to pass both houses of Congress, and if 38 states ratified it, it would become the 27th Amendment to the Constitution of the United States. According to the proponents of the ELA, the amendment would not discourage the private use of foreign languages, nor would it prohibit public schools from teaching students to speak, read and write in a language other than English. Schools would still be able to teach Latin, for instance, and universities would still be able to impose foreign language requirements on their students.

Furthermore, a local school district would still be able to make its own decisions regarding bilingual education for its students, and would not necessarily lose federal or state funding for a bilingual-bicultural program. On the other hand, neither the federal government, nor a state, would be able to dictate the terms of a bilingual education program as a condition for receipt of funding. Section 2 of the ELA would free school systems from any replacement to the Lau Guidelines and would supersede any requirements that schools hire teachers proficient in two languages, though a state would probably be able to make knowledge of a foreign language a precondition to teacher certification. Even with the ELA, language-minority students would still be entitled to an education that would give them the same opportunities as an English-speaking student, since the 14th Amendment prohibits a state from denying "equal protection of the laws" to any person within its jurisdiction, including a student.

The ELA, as proposed by Shumway, would provide a constitutional prohibition against that part of the Voting Rights Act of 1975, which mandates bilingual ballots. A state would probably not be able to spend money on the printing of bilingual election materials under the ELA either. However, bilingual assistance to voters on American Indian reservations would probably not be prohibited by the ELA, since the treaties that created the reservations guarantee the right of the residents to maintain their linguistic and cultural heritage, and since Article VI of the Constitution declares that "all treaties made ... under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any state to the contrary not withstanding."

Bilingual Backlash at the State Level

If the ELA is passed by Congress, each state will have an opportunity to decide on its ratification. In the meantime, the states are required to obey federal laws regarding bilingual election ballots and risk the loss of federal funding if they do not obey laws regarding bilingual education.

Five states have passed laws declaring English to be their official language -- Illinois, Indiana, Kentucky, Nebraska and Virginia.[20] Similar laws have been considered and rejected in California and Florida.[21] On the other hand, New Mexico has all but adopted Spanish as an official language. The New Mexico state constitution originally provided that state laws would be published in Spanish and English (Article XX, section 12), and one of the two official state songs there is the Spanish "Asi Es Nueva Mexico." Laws that designate official languages, like laws that establish a state bird or a state beverage, have little more than symbolic value; but these symbols might be indicative of the support that an ELA might receive if it were submitted to the states.

States can also pass resolutions urging Congress to repeal laws that require bilingual ballots or bilingual education. Voters in San Francisco and Dade County, Florida (which surrounds the bilingual city of Miami) have approved such resolutions, and Californians approved Proposition 38 in November, 1984, an advisory measure which would direct Governor Deukmejian to urge Congress to repeal the bilingual ballots requirement.[22]

Pros and Cons

Passage of the ELA by Congress and its ratification by 38 states would make English the official language of the United States, change the federal government's policies regarding bilingual education and outlaw most bilingual voting assistance. The ELA would be the first statement in the Constitution regarding the nation's linguistic policy (America has no official language at present).

Those in favor of the English Language Amendment argue that:

- The ELA is necessary to insure that all Americans will be able to communicate in a common language. America has long been a melting pot -- immigrants from all over the world have been able to share their cultural heritages with other Americans because all citizens have been able to use the English language. The lack of a common language would pose a problem to national unity in the future. Says Senator Huddleston, "If we continue along the path we now follow, I believe that we will do irreparable damage to the fragile unity that our common language has helped us preserve for over 200 years."[23] Former Senator Hayakawa adds, "Let us continue to enrich our culture with contributions from those who come to live and work in this nation. But let us protect and preserve our oneness by maintaining unbroken that linguistic chain that unites us as a culture and as a nation."[24]

- "Bilingualism segregates," in the words of Senator Huddleston.[25] When minorities are not encouraged to learn English as quickly as possible, they don't have the same opportunities as the American who is skilled in English and they are kept out of the mainstream of American politics, society and the economy.

- In a nation where more than one language enjoys widespread use, the possibility exists that political groups will exploit language differences as a basis for getting more power. "Demographic research tells us that in some of our states, 10 to 20 years from now there will be a majority of individuals with Spanish background. It seems to me that we are preparing the ground for permanently and officially bilingual states. From here to a separatist movement a la Quebec would be the final step. Is this the development which we want to promote?" asked Senator Hayakawa in 1982 (Although Mr. Hayakawa was a founder of U.S. English, that organization does not endorse his "separatist movement" argument as the basis for the ELA).[26]

- The ELA would be the basis for ending the policy of providing bilingual election ballots. The ballots have proven to be an expensive failure, since most of the voters know English (with few exceptions, knowledge of English is a prerequisite to citizenship). Furthermore, states and counties bear the costs of printing the ballots, regardless of whether there is any demand for bilingual voting assistance.

Those who are opposed to the ELA argue that:

- The ELA would be excess baggage on the United States Constitution. "It is our opinion that this is nothing but a frivolous attempt to amend the Constitution," says Arnoldo S. Torres, the executive director of the League of United Latin American Citizens.[27] Most of the objectives that the proponents of an ELA are seeking to accomplish could be pursued without an amendment to the Constitution. Congress could repeal the Voting Rights Act of 1975 if it so chose and could reform any perceived problems in bilingual education without resorting to the amendment process.

- The ELA is unnecessary because 98 percent of Americans who can speak a language are fluent in English. The remaining 2 percent who did not speak English at the time of the 1980 census have economic incentives to learn English that are far greater than any perceived disincentives to be found in federal and state programs. "[I]t is obvious to most Hispanics that the best and in most cases the only way to realize the American dream is to learn English," says Torres.[28] The vast majority of the almost 23 million Americans who do not make English the language used at home are bilingual.

- The ELA would accomplish very little if it were ratified. Certainly, bilingual ballots would be outlawed and bilingual education would be reformed, but the private use of other languages by 10 percent of the nation would not be affected. Spanish radio and television stations would continue to broadcast, German newspapers would continue to be published daily and millions of Americans would continue to speak other languages at the dinner table.

- The ELA, while promoted in a spirit of national unity, might actually foster disunity between Anglo-Americans and Hispanic Americans. Statements like those of Senator Hayakawa that "a separatist movement a la Quebec" would occur in states with large Hispanic populations would only serve to anger the speakers of Spanish and would help stir up prejudices against persons of Latin American ancestry. "[A]ny insinuation that Hispanics would attempt to secede from the United States is an insult to the men and women who have fought and died in defense of this country," says Arnoldo Torres. "It is inconceivable to us that a group of people who would be willing to make the ultimate sacrifice for a country would be willing to separate itself from it."[29] Furthermore, the resentment that the ELA would cause among some minorities might serve to make them more militantly in favor of languages other than English.

- On the subject of bilingual ballots, a number of minority organizations and the American Civil Liberties Union argue that persons who have qualified for United States citizenship should be entitled to bilingual voting assistance if a lack of it denies them any meaningful opportunity to participate in the electoral process. Furthermore, it has been argued that the bilingual ballot is necessary if only to encourage minority voters to participate in elections; such voters were often discouraged from participating in the past by complex literacy tests and by threats of violence and the foreign language ballot helps to make up for past discrimination. The ACLU points to New Mexico, "where bilingual assistance has been available almost continuously since it became a state." As "the only state in which Hispanics hold statewide offices ... [New Mexico] offers a stark contrast to other states with large Hispanic populations where Hispanics are severely under-represented in elected offices, compared to their proportion of the population."[30]

Where to Get More Information

U.S. English is an organization of 60,000 members in favor of the passage of the English Language Amendment. State officials who want more information about the ELA and related issues should contact:

Steve Workings
Government Relations Associate, U.S. English
1424 16th Street N.W., Suite 714
Washington, D.C. 20036
(202) 232-5200

The League of United Latin American Citizens has 110,000 members and has given testimony against the English Language Amendment at Senate hearings. State officials who want more information should contact:

Julio Barreto, Jr.
Legislative Assistant
League of United Latin American Citizens
400 First Street, N.W., Suite 721
Washington, D.C. 20001

Notes

1. "Changes in Language Assistance Requirements Under the Voting Rights Act," Memorandum issued by American Civil Liberties Union, the League of United Latin American Citizens, the Mexican-American Legal Defense and Educational Fund, the National Congress of American Indians and the National Council of La Raza, August 9, 1984, p. 2.

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4. Update (publication of U.S. English), February/March 1984.

5. "The Language of Licensing -- 28 Different Choices," AAMVA Bulletin, March 1983, p. 12.

6. "Changes in Language Assistance Requirements Under the Voting Rights Act," Memorandum issued by American Civil Liberties Union, the League of United Lating American Citizens, the Mexican-American Legal Defense and Educational Fund, the National Congress of American Indians and the National Council of La Raza, August 9, 1984, p. 2.

7. Ibid.

8. Information provided by U.S. English, 1424 16th Street N.W., Suite 714, Washington, D.C. 20036.

9. C. Kent McGuire, State and Federal Programs for Special Student Populations (Denver: Education Commission of the States, 1982), p. 60.

10. Update (publication of U.S. English), April/May 1984.

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14. Angela Evans, Bilingual Education: Federal Policy Issues (Issue Brief Number IB83131), (Washington: Congressional Research Service, 1984), p. CRS-2.

15. Ibid.

16. Ibid., pp. 3 to 5.

17. Ibid., p. CRS-3.

18. Information supplied by the National Association for Bilingual Education.

19. Telephone conversation with Steve Workinys, U.S. English, July 18, 1984.

20. Ibid.

21. Ibid.

22. Congressional Record, September 21, 1983.

23. Testimony of Dr. S.I. Hayakawa before Senate Judiciary Subcommittee on the Constitution, June 12, 1984. Reprinted by U.S. English.

24. "English: America's Primary Language", from Newsletter -- Dee Huddleston of Kentucky, United States Senate, January 1984.

25. James Ylisela, Jr., "Warning: Illinois May Abandon Its Bilingual Education Programs," FOCUS/Midwest magazine, December 1982, p. 22.

26. Testimony of Arnoldo S. Torres before the Senate Judiciary Subcommittee on the Constitution, June 12, 1984. Reprinted by the League of United Latin American Citizens.

27. Ibid.

28. Ibid.

29. Ibid.

30. "Changes in Language Assistance Requirements Under the Voting Rights Act," pp. 4 and 5.

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